

Religious Liberty Protection Act

Tales from the Front: Municipal Control of Religious Expression Through Zoning Ordinances

Testimony of the Experience of Attorney John Mauck

I am an attorney who has been practicing law in Chicago for 25 years. My representation of churches began in 1978, primarily with regard to church zoning and real estate matters. Since 1978 I have represented approximately 150 churches in Chicago and around the country. In response to the growing difficulties faced by churches in securing properties, I founded Civil Liberties for Urban Believers (C.L.U.B.) in 1992. C.L.U.B. is an organization of churches dedicated to changing zoning laws, which prevent churches from securing adequate permanent locations for the exercise of their religious beliefs.

In addition to the outline which I submitted in connection with my testimony in support of the Religious Liberty Protection Act, I would also like to summarize the highlights of my experience in representing churches in their disputes with municipalities employing land use restrictions:

1. Family Christian Center v. County of Winnebago (Rockford, Illinois)

A church purchased a former school building for religious activities. One remark by a neighbor which was reported to us was "let's keep these [G. D.] Pentecostals out of here." Although the church met all zoning criteria, a judge inflamed with prejudice against churches based on negative publicity surrounding television preachers denied the church the right to use the school building. In rendering his decision, he stated "we don't want twelve story prayer towers in Rockford." Of course the church had not applied to build anything much less a 12 story tower. Apparently the judge was referring to the 12-story prayer tower at Oral Roberts University and had, outside of court, discovered the loose affiliation between the church and Oral Roberts University. Despite the church's clear entitlement to the building, it had to expend enormous amounts of money for attorney's fees and costs for a trial and appeal and sustained severe emotional distress before securing the facility.

2. Love Church v. City of Evanston (Evanston, Illinois)

A small Afro-American church of about 20 spent several years attempting to rent a facility for worship. The City of Evanston had no zones where churches were allowed. Landlords refused to take their property off the market on the chance that the church could eventually get a permit. Despite the substantial burden of having no regular meeting place to the congregation over many years, the Seventh Circuit dismissed the case for lack of standing and the U.S. Supreme Court denied certiorari.

3. Grace Community Church v. Town of Bethel

Bethel ("House of God"), Connecticut was chartered in 1750 so that the local residents could build a church. By 1990, churches were not a permitted use anywhere in the town. A church was denied the right to build on 7 acres of land it had owned for 10 years despite a Connecticut Constitutional right to build churches. The church was ultimately able to build after years of costly litigation.

4. Ira Iglesia de la Biblia Abierta v. City of Chicago

A Hispanic congregation of about 30 tried to buy a storefront floral shop to convert to a church. It applied for a permit to use the facility. While its permit was pending, the Alderman changed the zoning classification of the single storefront to "manufacturing" so that the church could not obtain a permit under any circumstances. There is probable racial and ethnic bias behind the city's action. A case challenging the action is pending in federal court.

5. C.L.U.B. v. City of Chicago

The aforementioned association of churches is currently challenging the constitutionality of the Chicago Zoning Ordinance in federal court.

6. Living Word Outreach v. City of Chicago Heights (Chicago Heights, Illinois)

The city denied a congregation of 70 the right to use a building for worship which had been a Masonic Temple for 40 years. The Masons had been 99% Caucasian and the church was 99% Afro-American. It appeared that the church was denied the right to use the building because it was in the predominantly white side of town. The Trial court ruled in favor of the church after costly legal maneuverings by the City which put the church in number of different courts. The case is now on appeal.

7. His Word Ministries v. City of Chicago (Chicago, Illinois)

This case is part of the C.L.U.B. action mentioned above. It involved essentially the same circumstances as the Ira Iglesia case. An Alderman reclassified a small bank facility to a manufacturing zone after a church had put a former branch bank facility under contract. However, it appears the motivation was religious rather than racial. The established church in the neighborhood did not want any competition and about 30 neighbors wrote the Alderman identical letters stating "we have enough churches."

8. Christian Covenant Outreach Church v. City of Chicago (Chicago, Illinois)

This case is also part of the C.L.U.B. action. A pastor voluntarily located his church in the most gang-infested part of Chicago and was successful in converting many hardened gang members to Christianity and a life of peace. The Chicago Sun Times even did a feature article commending his work in the community. The City successfully shut down the church by zoning lawsuits which the low income church of about 50 young people (mostly teens and 20's) was unable to afford to fight. Not long afterward on a Friday evening, a former gang member who would have otherwise been in the church singing in the choir during the Friday service was gunned down and killed at the very doorstep of the church permanently shut down by the City.

9. Christ Center v. City of Chicago (Chicago, Illinois)

An African-American church spent years attempting to locate on the Near West Side of Chicago was denied one permit and told it could not obtain another. It finally became apparent that an African-American church would not be welcome in a designated nightclub development which was intended to serve an upper middle class white clientele.

10. Christian Bible Center v. City of Chicago (Chicago, Illinois)

This church was denied zoning simply because some of the neighbors did not like them. When these same neighbors changed their minds two years later, the zoning was granted. In the meantime the church could not use its facility.

11. Mt. Zion Church v. City of Chicago (Chicago, Illinois)

This church spent years trying to find an adequate facility in the City of Chicago while being chased by city inspectors. After several years the church found a facility, but in the meantime sustained great emotional and financial distress.

12. City of Chicago v. Evangelical Church of God (Chicago, Illinois)

This church tried for a long period of time to secure a facility in a "proper" zone. When it became obvious that it could not find an adequate permanent facility in a proper zone, it was forced to purchase a facility in a zone where churches were not permitted. Although the City of Chicago is not enforcing its zoning ordinance against the church use at this time, it is pursuing a zoning lawsuit to shut down the church's Christian school.

13. Gethsemane Baptist v. City of Northlake (Northlake, Illinois)

Church bought former VFW meeting hall but the city refused to let it use their facility for religious purposes. The church could not afford to litigate.

14. Amazing Grace Church v. City of Chicago (Chicago, Illinois)

This African-American church was faced with zoning violation actions after a local Lithuanian community organization opposed its presence. Members of the organization shouted racial slurs and threw eggs at the cars of church members.

15. Faith Cathedral Church v. City of Chicago (Chicago, Illinois)

The same neighborhood group that opposed Saving Grace Church opposed Faith Cathedral church for the same reasons. Neighborhood opposition necessitated a difficult zoning permit dispute before the Chicago Zoning Board of Appeals. Despite the fact that the former funeral parlor which the church had purchased had a chapel and lots of parking the Zoning Board denied permission to use it for worship.

16. AOH House of Prayer (Chicago, Illinois)

After putting lots of money into improvement of a facility for church use, church was forced out of facility by a zoning enforcement action which it had insufficient funds to defend against.

17. Camper's Temple Sanctified C.O.G.I.C. v. City of Harvey (Harvey, Illinois)

After operating an adult day care ministry and church for some time, the church was sued for zoning violations. The City had no zones where churches were permitted. The church could not afford legal representation and the Pastor is currently trying to defend the church by herself.

18. Pine Stream Morning Star Retreat v. Ogle County (Ogle County, Illinois)

A Christian ministry led by Koreans sought to build a retreat facility on its land in a rural and relatively unpopulated area. Despite the fact that the facility would meet all of the county's requirements, the ministry was denied a permit when neighbors objected. The ministry also prosecuted and was rejected upon reapplication for a permit twice.

19. Vineyard Church of Chicago v. City of Chicago (Chicago, Illinois)

The circumstances of this case are the same as the 1ra Iglesia and His Word cases above. The local alderman reclassified a theater which had been unused for ten years into a manufacturing zone. However, the church did not file a lawsuit.

20. Evanston Vineyard v. City of Evanston (Evanston, Illinois)

A church purchased an office building with an auditorium for church use. The zone allows cultural facilities defined as a " . . . theater, auditorium or other building . . . used primarily for musical dance, dramatic or other performances." Its special use permit application was denied despite the fact that all zoning criteria were satisfied.

21. Cornerstone Community Church v. City of Chicago Heights (Chicago Heights, Illinois)

A church sought to purchase an abandoned department store, which had been on the market for three years without a reasonable offer. The property was in a zone that allowed meeting halls without a permit. The church sought an injunction in federal court to require the city to allow church use of the property. The city argued that there was some chance that it would gain tax revenue if another department store moved into the property, however unlikely. The Court ruled in favor of the city.

22. Korean Central Covenant Church v. City of Northbrook (Northbrook, Illinois)

The church lost its request for a permit to hold services in an expanded facility. The facility was already legally used for church activities, and it met all zoning requirements except for the arbitrary approval of the City Planning Commission. There was evidence to suggest that neighbors simply wanted to keep Koreans out of the neighborhood. The City had no zone where churches were freely permitted.

In addition, I have knowledge that the City of Chicago has attempted to shut down the following churches in recent years for lack of a permit to worship: New Life & Love Full Gospel Church, Jovful Harvest Christian Ministries, Shining Light Apostolic Church of God, and Outreach Miracle Temple.

Thank you for the opportunity to testify regarding this matter. A list of legal citations can be provided upon request.

John W. Mauck

SUBSCRIBED AND SWORN TO
before me this 4th day of
July, 1998.

Carol A. Riley
NOTARY PUBLIC

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COMPILATION OF ZONING PROVISIONS
AFFECTING CHURCHES IN 29 SUBURBS
OF NORTHERN COOK COUNTY
BY JOHN W. MAUCK OF 7-10-98
BASED UPON 1995 PUBLISHED STANDARDS

Code Key

BH = Banquet Hall
C = Club
CC = Community Center
F = Funeral Parlor
FO = Fraternal Organization
HC = Health Club, Gym, Amusement
RC = Recreation Center

L = Lodge
LIB = Library
M = Museum
MB = Municipal Building
MH = Meeting Hall
T = Theater

| <u>Village</u> | <u>Any Zone Where Churches Allowed?</u> | <u>Uses Freely Allowed Where Churches Are Only Allowed By Special Permission Or Uses Allowed By Special Permission In Zones Where Churches Are Not Allowed Under Any Circumstances</u> |
|-------------------|---|--|
| Arlington Heights | Yes, R only | F, CC, C, L, BH, T |
| Barrington | Yes, R only | MH, C, L, FO, L, M, T |
| Barrington Hills | Yes, R only | C |
| Bartlett | Yes, R only | F, BH, HC, RC, T |
| Buffalo Grove | No | MH, HC, C, L, FO, T, MB, RC |
| Des Plaines | Yes | F, T |
| Evanston | Yes | CC, C, RC, M, LIB |
| Glencoe | Yes, R only | MB, C, LIB |
| Glenview | Yes, R only | C, MH, HC, T, M, LIB, MB |
| Hanover Park | Hist. Dist. only | F, LIB, T |
| Hoffman Estates | No | MB, HC, T, C, MH |
| Inverness | Yes | C |

| | | |
|------------------|-------------------------------|---|
| Kenilworth | Yes, R only | MB |
| Morton Grove | No | C, L, LIB, HC |
| Mount Prospect | No | LIB, M, CC, MB, C, L, T, RC, HC |
| Niles | No | MHY, HC, RC, CC, F |
| Northbrook | No | C, L, HC, M, LIB, MB, T, F |
| Northfield | Yes, R only | C, HC |
| Palatine | Yes, R only | C, L, FO, CC, MH, T, HC |
| Prospect Heights | No | MH, C, CC, L, FO, HC, F, RC |
| Rolling Meadows | Yes | LIB, M, HC, MB, T, F |
| Roselle | No | MB, BH, F, RC, CC, MH, C, FO, HC, T, M, LIB |
| Schaumburg | No | T, CC, HC, RC, F, MB, MH, C, L, FO, LIB |
| Skokie | Yes, one acre minimum | RC, CC, LIB, C, L, FO, T, MH, F, MB |
| South Barrington | Yes, R only – 10 acre minimum | MB, C, L, T, F |
| Streamwood | Yes | M, C, L, FO, HC, LIB, MB |
| Wheeling | No | T, L, HC, FO, BH, MH, RC, F |
| Wilmette | No | RC |
| Winnetka | No | F, MB, HC |

\\ChurchZon\CookCty\Villages

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,
v.

CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF CIVIL LIBERTIES FOR URBAN BELIEVERS

I, Theodore Wilkinson, being sworn upon my oath, state that I am the Chairman of the Board of Directors of Civil Liberties for Urban Believers ("CLUB") and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. CLUB is an unincorporated association of approximately 50 Chicago area churches ranging in size from 15 to 5,000 members.

2. The member churches of CLUB are churches which have been damaged or suffered under the zoning ordinances of the City of Chicago in one or more of the following ways:

- a. They have been denied a special use permit due to the opposition of the owners of neighboring property.
- b. They have been denied a special use permit due to the opposition of their alderman.
- c. They have been denied a special use permit due to the fact that the property they were seeking to purchase or lease was within 100 feet of a liquor store or bar.
- d. They have been unable to use property they have purchased because they were unable to obtain a special use permit.
- e. They have been unable to buy a building because no seller was willing to enter into a contract subject to the church obtaining a special use permit when that seller could freely sell to many other users who did not need a permit.
- f. They have been unable to lease a building because no landlord was willing to enter into a lease subject to the church obtaining a special use permit.

- g. They have had to pay more than a commercial or industrial purchaser would have had to pay for similar property because they had to make their purchase offer subject to obtaining a special use permit.
- h. They have lost membership and contributions due to their inability to find suitable property for which they could obtain a special use permit.
- i. They have had to purchase less suitable property for their purposes because they were unable to obtain a special use permit for property which was more suitable and which would otherwise have been available to them.
- j. They have entered into contracts to purchase buildings with the intent to obtain a special use permit, only to have the City Council rezone that particular building as a "manufacturing zone" so that the church could not apply for a special use permit.

3. Many members of CLUB desire to keep their identities secret because they know that, under the current zoning law, city officials and aldermen have discretion to retaliate against them should they need to expand or move to a new location.

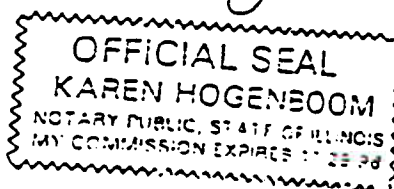
4. Approximately 25 members of CLUB have not personally experienced these hardships, but support other churches which have suffered under the Chicago Zoning Ordinance.

Dated: September 13, 1994

Pastor Heron N. Wilkinson

Signed and sworn to before me this 13th day of September, 1994.

Karen Hogenboom
Notary Public



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,

v.

CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF CHRIST CENTER

I, Theodore Wilkinson, being sworn upon my oath, state that I am the Pastor of Christ Center and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. Christ Center is an Illinois Religious Corporation which began meeting as a church in 1987 and was incorporated in 1988.
2. Worship, teaching of the Bible, baptism, and communion are all integral to the exercise of the beliefs of Christ Center. All these activities require that the members of the church gather together regularly.
3. In 1990, we were meeting on Sunday mornings in the auditorium at Whitney Young High School, 211 S. Laflin, just west of downtown and near the Kennedy/Dan Ryan expressway. The congregation at that time was approximately 150 people. We carried all our sound equipment and supplies for communion to the school in cars and set up before the service. If the school had a function in the afternoon, it would cut our services short. If it needed the auditorium on Sunday morning, it would move us to a less suitable room without notice. We often had to worship among the scenery for a school play. The ushers had to clean the bathrooms before the service and bring toilet paper from their homes.
4. Because members travelled to the church from as far away as Wheaton and South Holland as well as from the west and south sides of Chicago, this created a serious inconvenience.
5. Furthermore, the energy of the congregation was spent on setting up worship and coping with unsuitable space rather than on worship itself. If members did not have to volunteer to set up chairs or bring toilet paper, they might have been able to volunteer to build a Bible study or other activity from the community.

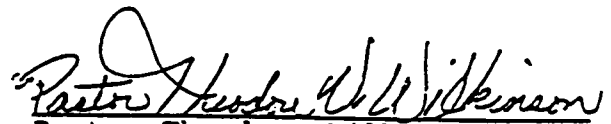
6. Because there was no building associated exclusively with the church, the church had no visibility in the community. Therefore, the church was unable to draw in new people from the neighborhood who had seen the church and may have been curious about it. This was a particular problem because Christ Center believes that the one who physically dies without having a relationship with Christ is hopelessly and eternally lost. An important doctrine of the church is to convey the message of Christ's salvation from this fate to as many people as possible; this task is greatly hindered when a church is not visible to the unsaved.
7. One of the important beliefs of Christ Center is that baptism should be by immersion. There was no way to totally immerse candidates for baptism in water at the auditorium.
8. Several potential members of the church stated to me that they would not join a church which they perceived as impermanent and unstable because it did not have its own building.
9. If we wanted to have a church function during the week, we needed to rent another location. Many of these functions were held at the Duncan YMCA at Roosevelt and Morgan.
10. During part of the time we met at Whitney Young, we shared an office at a different location with another organization. We could not have committee meetings during this time because we did not have our own meeting space.
11. During 1990, we began looking for rental property for the church because of the inconvenience of meeting at the school. We wanted a building near downtown which would allow for numerical growth of the congregation, for increased visibility of the church in the neighborhood, and for easy access for our suburban attenders.
12. We were interested in several properties at or near developments at the Chicago Stadium, Rush Presbyterian St. Luke's Hospital, or the University of Illinois at Chicago.
13. Between 1990 and 1992, we seriously negotiated for leases on approximately five properties on the near west side.
14. By 1992, we began looking at property to purchase, still with the same goals of staying in the same neighborhood and increasing our membership, visibility, and ministry. During no time in our four year property search did we find a suitable property for lease or for sale which was located in a residential (R) zoning district.
15. In the summer of 1992, we signed a contract to purchase a commercial building located at 1139-43 W. Madison. As part of the contract, the seller agreed to finance the property, and it had on site parking which complied with the Chicago zoning

ordinance. The property is zoned C2-3. But for the permit requirements of the Chicago Zoning Ordinance, the church was ready, willing, and able to purchase the property.

16. Several other charitable organizations are located nearby on Madison, including the Salvation Army, Olive Branch Mission, and the Chicago Lung Association.
17. When we notified the owners of property within 250 feet of our intention to obtain a special use permit, the neighbors hired a former chairman of the zoning board to fight the approval of the permit. Their stated reason for opposing the special use was that they wanted a taxpaying commercial business in the neighborhood, not a church. We met with Alderman Theodore Mazola of the 1st Ward in an attempt to obtain his political support for a permit. However, he also opposed our application, stating that he would support our application anywhere in his ward except on Madison Street. Our application was denied on or about October 18, 1992 after a hearing on September 18, 1992.
18. The Chicago Planning Department had designated the area as a special Madison-Racine redevelopment area and in that area community centers were a permitted use.
19. After the application was denied, the congregation's contributions to the building fund and the general operating fund of the church decreased dramatically for approximately nine months.
20. In the spring of 1993, we found another property in the same area, at 123 S. Morgan. This property was a former button factory in an M1-3 zone. Across the street in a similar building are the administrative offices of the Presbytery of Chicago.
21. The owner of this property gave us a firm commitment to provide financing.
22. Because of the expense of our previous unsuccessful application for special use, before we applied on the Morgan property we met with the Chicago Planning Department regarding our chances of obtaining a special use.
23. After investigating the situation, the Chicago Planning Department informed us that they would oppose and effectively defeat any rezoning application because the neighborhood might someday become a "nightclub district" and the presence of the church would inhibit development in that direction as a general matter of land use and because of an Illinois law prohibiting the sale of alcohol within 100 feet of a church.
24. We also met with Mayor Daley's special assistant for liaison with the religious community in an effort to gain political

support for our permit application, but he told us he was unable to change the decision of the Planning Department to oppose a church at that site.

25. As a result of these conversations with the city, we did not file an application for a special use and canceled our contract to purchase the property.
26. In the fall of 1993, we located property at 4445 S. King Drive. It was not in the location we had hoped for, but it has ample parking for 100-150 cars and can accommodate up to 400 people.
27. We were able to obtain a special use permit for this property and moved in October, 1993, three years after we were ready and able to buy a church building but for the City of Chicago's zoning laws.
28. As a result of moving to the south side, we lost approximately five member families and their financial support of the church because they were unwilling or unable to commute to our new location.
29. We expended over \$20,000 in attorneys fees, appraisal fees, zoning application charges, title charges and other expenses in attempts to acquire property and comply with the special use permit requirements.


Pastor Theodore Wilkinson

Subscribed and sworn to before me this 13th day of September, 1994.


Notary Public

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,

v.

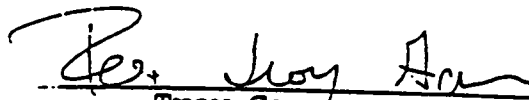
CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF CHRISTIAN COVENANT OUTREACH CHURCH

I, Troy Garner, being sworn upon my oath, state that I am the Pastor of Christian Covenant Outreach Church and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. Christian Covenant Outreach Church is an Illinois Not-for-Profit Corporation organized on September 17, 1991. The church also began meeting in September of 1991.
2. Meeting together for worship, teaching and the sacraments of communion and baptism are integral to the exercise of the beliefs of Christian Covenant Outreach Church.
3. On November 1, 1992, the church began renting property at 5918 S. Ashland, Chicago, in a C1-2 zoning district. Churches are required to obtain a special use permit to meet for worship in this district. We were ignorant of this requirement.
4. Most of the church's members are within walking distance of the church. Many members are teenagers from the Englewood neighborhood; approximately 25 of the church's 90 members are former gang bangers and most of the others are teenagers at risk of being recruited by gangs. The church has sponsored many programs designed to keep teenagers off the streets or to protest the gang activity in our neighborhood. For example, we were written up in the Chicago Sun-Times on May 3, 1994 for a protest march we sponsored after a drive-by shooting in our neighborhood.
5. The owner of the building has told me that he would like to sell the building to the church, and would be willing to cosign for a loan.
6. However, because the church has no permit, we will continue to pay rent for the property in the fear that if we purchased the building the city would not let us use it.

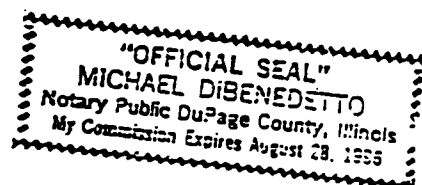
7. City inspectors have come to the property on several occasions and threatened to take the church to court and shut it down if we do not obtain a special use permit.
8. The church's building needs remodeling in order to comply with the Chicago Building Code. We have been reluctant to pay for all but the most basic repairs necessary for the safety of the congregation, because we fear we could be shut down by the city at any time.
9. We are under contract to make a CD and a music video, but I have postponed recording sessions due to the poor condition of our sanctuary. Before we can make a video in the sanctuary, we will have to do major and expensive remodeling. The church does not want to invest the money in the building while we are still renting and may need to leave the building. The recording company is unwilling to make the CD without the video, so the whole project is on hold indefinitely.
10. Approximately fifteen members of the congregation have become discouraged and left the church because of their perception that the church is "afraid" to take a financial risk on the necessary building repairs and the beautification necessary for the music video. Unfortunately, the members who left have been some of our biggest donors, so their departure has hurt the programs of the church as well as the ability of the church to pay for remodelling its building.


Troy Garner

Subscribed and sworn to before me this 16 day of September, 1994.


Notary Public

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,

v.

CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF HIS WORD MINISTRIES TO ALL NATIONS

I, Virginia Kantor, being sworn upon my oath, state that I am the Pastor of His Word Ministries to All Nations and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. His Word Ministries to All Nations is an Illinois Not-for-Profit Corporation organized for the purpose of creating a church in 1989.
2. Worship, teaching of the Bible, corporate prayer, baptism, and communion are all integral to the exercise of the beliefs of His Word Ministries to All Nations. All these activities require that the members of the church gather together regularly. Hebrews 10:25 says, "Let us not give up meeting together, as some are in the habit of doing, but let us encourage one another--and all the more as you see the Day approaching."
3. We met in the basement and sunroom of a house located at 6642 S. Richmond for two years, from 1990 to 1992. God had revealed to me that we were only to rent a house for two years, as Paul did in Acts 28:30-31: "For two whole years Paul stayed there in his own rented house and welcomed all who came to see him. Boldly and without hindrance he preached the kingdom of God and taught about the Lord Jesus Christ."
4. In the middle of 1992, it also became obvious that we could no longer meet at the Richmond house. More than sixty people were attending services in the basement. We had many new children attending, but the Sunday School was forced to meet in two small rooms. There was no office space for the church in the house.
5. Because we could not fit any more people into the house for

services, we could not fulfill the biblical command to "preach the Word; be prepared in season and out of season; correct, rebuke and encourage--with great patience and careful instruction." 2 Tim 4:2. And in Mark 16:15, Jesus commands us to: "Go into all the world and preach the good news to all creation." We feel that these commands are a crucial part of the work of any church, and it was extremely frustrating to be stifled in our efforts to bring new people to the church and to encourage and teach our current members.

6. Furthermore, a church which meets in the basement of a house has a disadvantage because most of the people we would invite to church do not have a lot of church background. They would be put off by the physical surroundings which the church met in, and be unable to focus on the presence of God.
7. Another important role of any church is to provide a place for its members to meet socially, where they can get to know one another and encourage one another in their faith. This was impossible in the Richmond house, due to lack of space, and without these social gatherings church attenders tend to turn to non-Christian friends and activities for their primary source of support.
8. In 1992, we found a building to purchase at 1616 W. Pershing in Chicago. It seemed perfect for our needs, and appeared to meet the special use requirements of the Chicago Zoning Ordinance. The property was zoned C1-2, a zoning category which requires city permission in order to meet for worship. We signed a contract, contingent on obtaining a special use permit, and put down over \$25,000.
9. We then met with Alderman Huels to discuss our plans for the building. He stated that he had no opinion either way on our plans, and would not support or contest our zoning application.
10. After we filed our application for special use, we met with several owners of nearby property at the alderman's office. The meeting was very positive, with many neighbors expressing support for our plans and ending with hugs all around.
11. When the hearing date arrived, the alderman sent a representative to have it continued for several months. Three times, the hearing was continued at the request of the alderman and we could not present our evidence. Each continuance resulted in months' delay.
12. After the third hearing where we were unable to be heard, in the fall of 1992, the alderman had our property rezoned as a manufacturing district. Because churches cannot be located in a manufacturing district under current zoning law, we were forced to withdraw our application for special use after paying our filing fees, attorney fees, and appraiser's fees.

13. The seller of the property informed us that we either had to withdraw our offer or proceed with the purchase without zoning approval. Because we could not afford to purchase a building we could not use, we withdrew our offer and lost the building.
14. From the time we made an offer on the building to the time we withdrew our offer, we spent approximately \$5,000 and wasted an entire year in seeking a special use permit.
15. At this point, about twenty members of the congregation became discouraged and left the church due to the crowded conditions at the Richmond house and the lack of prospects for a new building.

Virginia Kantor
Virginia Kantor

Subscribed and sworn to before me this 22nd day of September, 1994.

Harvey Liss
Notary Public

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,

v.

CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF CHRISTIAN BIBLE CENTER

I, Jerone E. Lowrey, being sworn upon my oath, state that I am the Pastor of Christian Bible Center and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. Christian Bible Center is an Illinois not-for-profit corporation, incorporated in 1986.
2. Meeting together for worship, teaching, and the sacraments of communion and baptism are integral to the exercise of the beliefs of Christian Bible Center.
3. In 1986, the church began meeting in my home. We soon outgrew this space, however, so in the summer of 1988 we began looking for space to rent. We looked at possible spaces on a daily basis for three months, but were unable to find anything suitable which we could afford. We looked at public schools, for example, but could not afford the rent they were asking. We finally approached Mr. Gatling of Gatling's Funeral Home, 10133 S. Halsted, and he was willing to rent to us from 10 a.m. to 1:30 p.m. on Sundays, for \$300.00 a month.
4. Although the chapel of the funeral home is a good worship space, several attenders do not like going to a funeral home to attend services. During the time we have been there, children have had to stay in church with their parents, and the church had no office space. Mid-week Bible classes and prayer services have been held in homes of members on a rotating basis, which means that elaborate scheduling is necessary.
5. Often, the Sunday morning service was cut short in order to have everyone out of the building by 1:30 p.m.. Several times, the casket for an afternoon funeral or visitation has

been just outside the door of the chapel, ready to roll in as soon as we leave. If the service lasts until 1:30, the ushers cannot count the offering at the church, leading to accounting problems when that task got delayed.

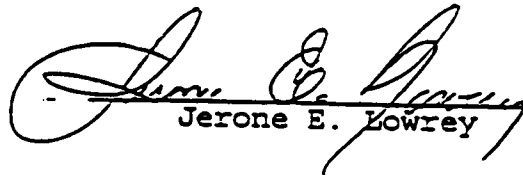
6. In 1990, we began looking for property to purchase. We found a building and adjacent vacant lot at the southeast corner of 83rd and Essex, but it was zoned B4-2 and Alderman Beavers told me that "he would not allow" a church in that location. Therefore, we did not make an offer on the property, although we were ready, willing and able to buy it but for the alderman's opposition to our application for a special use permit.
7. In March, 1991, Christian Bible Center purchased property at 513-23 E. 75th Street, Chicago. The congregation at that time consisted of approximately 35 adults, plus some children. The property was zoned B4-1. Immediately after the purchase, the church had to replace the roof to prevent structural damage to the building. Much additional renovation was necessary, but the Board of Directors decided to delay further expenditures on the property until a special use permit was obtained from the Zoning Board of Appeals.
8. Before the zoning hearing, church members and officers, including myself, met with the Park Manor Neighbors Association in an attempt to obtain political support for a permit to worship in our building. We also contacted Alderman Steele for the same reason, but he declined to assist us in our application.
9. Our special use permit hearing was on May 17, 1991. We hired an attorney to present our case and an architect and an appraiser testified on our behalf. The president of Park Manor Neighbors Association testified in opposition. The special use was denied.
10. In June 1991, the Board of Directors of the church voted to put the property on the market because it could not be used as a church due to the denial by the Zoning Board of Appeals. The church needed the money it had invested in the property in order to purchase a building it could use.
11. Almost all prospective purchasers of the building were churches; once they discovered that a special use application had already been denied for the property, they did not make an offer. The property remained on the market for ten months without receiving a single offer.
12. In February 1992, the Board of Directors voted to renovate the property for commercial use, in the hope that it would sell if it was fixed up and that the church could get its investment back in order to buy another building. The remaining balance in the church's building fund was used for these renovations,

which were completed in September, 1992.

13. By February of 1992, when the building fund was used to renovate the property on 75th Street, the church was cramped in the space it was renting. Our rental agreement only allowed for one service a week, so any other meetings or services of the church needed to be held in homes or in other rented space at additional expense and inconvenience. Approximately seven of the church's 35 members left during this time due to discouragement about the likelihood of the church ever having a building or because of the problems with our rented space.
14. In July, 1992 I contacted Annie Lynton, a member of the Board of Directors of Park Manor Neighbors Association. She informed me that the Association had reconsidered their opposition to our special use application.
15. In preparation for reapplying for special use, we held an open house for our neighbors in March, 1993. The president of the neighborhood association attended and expressed her support for our zoning appeal.
16. Also in March, 1993, after the open house, I received a copy of a letter to Alderman Steele from the president of the neighborhood association, stating that the neighborhood association has "decided to allow the Christian Bible Center to reapply for a 'Special Use Permit' again, with the support of the community this time." A copy of this letter is attached to this affidavit as Exhibit A.
17. We reapplied for a special use permit and on August 20, 1993, our special use was granted.
18. The delay in obtaining a special use permit caused a delay in obtaining a real estate tax exemption because we were not able to use the property for religious purposes until the zoning was finally approved and were therefore not entitled to a real estate tax exemption.
19. The church has spent over \$20,000 on legal fees, real estate taxes and interest, application fees for a second special use application, and other expenses which would not have been necessary if its application had been granted the first time it had applied.
20. A tremendous amount of time and energy has been expended by the church's Board of Directors on administrative work relating to these zoning problems.
21. The adversarial relationship with our neighbors that was created by the zoning process took many months and much effort and prayer to overcome. We desire to be an example of Christian love to our neighborhood, but until those

relationships were healed, we were hindered in that effort.

22. The emotional cost to the congregation has been extremely high. At one point during the process, in the summer of 1991, the Board seriously discussed dissolving the church, due to the untenable situation we were in and the opposition we faced. We have lost members, whose absence has been keenly felt in the programs of the church and in its budget. The current size of the congregation is approximately fifty adults, plus children.


Jerone E. Lowrey

Signed and sworn to before me this 14 day of September, 1994.




Notary Public

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,

v.

CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF THE CHURCH ON "THE WAY" PRAISE CENTER

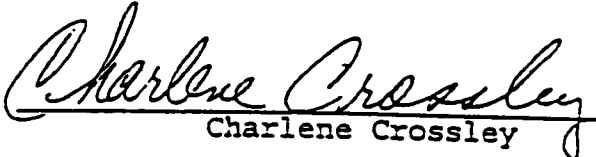
I, Charlene Crossley, being sworn upon my oath, state that I am the Pastor of the Church on "the Way" Praise Center and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. The Church on "the Way" Praise Center is an Illinois Not-for-Profit Corporation organized on January 12, 1983.
2. It is essential to the exercise of the beliefs of the members of the Church on "the Way" Praise Center that they meet together to hear the Word of God, to praise God's glory, and to minister to the needs of each other and the community.
3. The church began meeting on October 23, 1982 in the basement of my home. We began with seven people; by the time we moved elsewhere in December 1984, we were 25 people.
4. As soon as we began meeting, we began looking for a space to rent. Every suitable space we found for two years was either too expensive, too run down, or the landlord was not willing to rent to a church.
5. In December, 1984, we rented half of a storefront at 1704 W. 69th Street. The building was owned by a minister who had his church in the other half of the building. We met there for six and a half years, until the building burned in December of 1989.
6. Another pastor heard that the church was "homeless" and offered to share his space with us. However, our services needed to be arranged around his church's schedule, and we had no office space, no Sunday School facilities, and no fellowship hall. Our services often had to be moved to other locations on short notice if his church needed the building at our regular time for services.

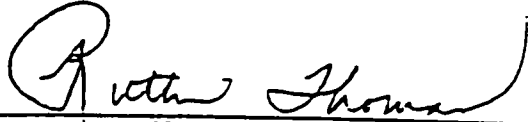
7. For these reasons, we looked for property to buy or rent during the entire two years we met there. We were looking for a building which would allow us to grow, and which did not require too much remodeling or repair in order to be used as a church.
8. I reviewed the real estate ads in the newspaper regularly, and members of the church drove all over the area between 55th and 115th Streets on the north and south and King Drive and Kedzie on the east and west, looking for suitable property. At one point, five realtors were looking for property on our behalf.
9. The properties we found during this period were either too small for our needs, had been through a fire, were next to a tavern or liquor store, or cost over \$250,000. We understood that, as a practical matter, it was impossible to get a permit for a church near a liquor store and so did not pursue those properties.
10. When we found a former heating company building which was suitable for our needs at 8536 S. Racine. The building is located in a C1-1 zoning district, so a special use permit was necessary in order for us to use the building. However, we were desperate for a building and so we decided to go through the process to obtain a special use permit.
11. The church entered into a contract to purchase the building, contingent on obtaining a special use permit.
12. My first step was to meet with Alderman Murphy to enlist his support for our use of the building. He expressed his support and gave me a list of neighbors to notify that we were filing for a special use permit.
13. The church spent \$260 and many hours of labor to send certified letters to all the neighbors on the list, as required by the zoning ordinance. We also obtained a denial letter from the Department of Zoning.
14. However, when we went to the Zoning Board of Appeals to file our application, we were told that we had used a list of registered voters rather than a list of property owners for our notice, and therefore the whole process would have to be repeated, at an additional expense of over \$200.
15. We also discovered that there was a tavern within 100 feet of the church when the Department of Planning refused to support our application for that reason.
16. At this point, we hired an attorney with experience in zoning matters, in addition to the real estate attorney who was handling our purchase of the property. When we were finally able to refile our application, we also retained an appraiser

to testify at our zoning hearing.

17. Just before our hearing, our zoning attorney discovered that the tavern which was causing our zoning problems had renewed its liquor license in 1990, even though it was already within 100 feet of another church.
18. After we had our hearing before the Zoning Board of Appeals, we and the seller had to wait one month for a decision on our application.
19. Over all, our direct costs to obtain the zoning permit were between four and five thousand dollars.
19. The congregation was extremely frustrated with the time it took to obtain our special use permit so that we could have a permanent meeting place. We lost three or four members over this issue, along with their financial support of the church.
20. Many members of the church questioned my authority and my integrity because I was sure that God had provided this building for us. They believed that if God had provided the building, we would not be having the delays, expenses, and problems we were having. This led to discouragement among the church members.
21. When we obtained our approval letter, it was contingent on our paving the parking lot behind the building in a very specific way. We complied with these requirements at a cost to the church of approximately \$10,075; we now have the only paved parking lot in the 8500 block of South Racine, in spite of the fact that there is another church and many small businesses on the block.


Charlene Crossley

Subscribed and sworn to before me this 19th day of September, 1994.


Notary Public

p:clubchwa.aff



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,

v.

CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF MOUNT ZION CHURCH
(IGLESIA DE AVIVAMIENTO MONTE DE SION)

I, Jose Acevedo, being sworn upon my oath, state that I am the Pastor of Iglesia de Avivamiento Monte de Sion and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. Iglesia de Avivamiento Monte de Sion is an Illinois Not-for-profit corporation which began meeting as a church in 1983 and was incorporated in 1986. The church currently has approximately 110 members.
2. Worship, teaching of the Bible, baptism, and communion are all integral to the exercise of the beliefs of the church. All these activities require that the members of the church gather together regularly.
3. From February of 1988 to December of 1993, the church rented space at 4545 N. Kedzie, Chicago, which was zoned C2-2. We did not have a special use permit at this location. A city building inspector came out to the property in 1990 and told me that he would return in a year and did not want to see the church meeting there at that time.
4. In 1990, we also began to outgrow our rented space. People attending services had to stand, and we were only able to have two Sunday School classes. We had no space for a nursery, and we were unable to host services with other churches. Due to these factors and to our lack of a special use permit, we began looking for new rental space.
5. During our search we became more acutely aware of the special use permit requirements for churches, because many landlords were unwilling to rent to us due to the zoning complications of renting to a church.
6. In April of 1993, we located property at 3949 N. Pulaski which was suitable for our purposes, and entered into a lease

subject to our obtaining a special use permit. The property is zoned C1-2. We also were able to lease parking spaces in nearby lots for use on Sunday mornings, which is the only time the church needs a significant amount of parking. The number of parking spaces we leased was adequate under the Chicago zoning ordinance.

7. We obtained a denial letter from the Chicago Department of Zoning, ordered a zoning search, and sent notice to all neighboring property owners as required by the Chicago Zoning Ordinance. When we attempted to file our application for a special use with the Board of Appeals, they informed us that our parking did not meet the requirements of the ordinance because the parking was only available to the church on Sunday mornings. The Board of Appeals also informed us that we would need to apply separately for the church building and each parking lot, with total filing fees and zoning search fees of over \$1,000. We had already incurred over \$3,000 in legal fees and related expenses in our attempt to rent this property.
8. The Zoning Board of Appeals also advised us that it was unlikely that a permit would be granted because a liquor store was located within 100 feet of the space we wanted to rent.
9. We met with Alderman Wojcik to get his support for our permit application. He informed us that one neighborhood group was opposed to our use of 3949 N. Pulaski as a church and therefore he would not support our special use application.
10. Because of the problems with our zoning application, we decided to terminate our lease and look for other property rather than have the zoning board deny our permit. But for the requirements for a special use permit and the Illinois liquor law, we were ready, willing, and able to lease 3949 N. Pulaski for use as a church.
11. When we lost the property on Pulaski, the congregation became discouraged because it seemed unlikely that we would be able to find a bigger meeting place. Some members of the church became so upset with our situation that they left the church.
12. In late 1993, we located property at 2318 W. Foster, zoned B2-2. The landlord was willing to lease the property to us with a provision that we can terminate the lease if the City of Chicago attempts to shut down the church due to our failure to obtain a special use permit. We have been meeting at this location since the beginning of 1994.
13. Since we have moved to the property on Foster, the church has added approximately fifty new members. This property currently has adequate space for the church, but the uncertainty of our zoning situation and our current rate of growth are very stressful for the congregation and for me. If

we cannot meet at our current location for any reason, we will be without a place to meet. The last time we had to look for a new location, it took us three years, and the prospect of beginning another property search, given the zoning burden placed on churches, is extremely daunting.

Pastor Jose Acevedo
Pastor Jose Acevedo

Subscribed and sworn to before me this 22 day of September, 1994.

Karen Hogenboom
Notary Public

p:clubmtzi.aff



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CIVIL LIBERTIES FOR URBAN BELIEVERS, ET AL.,

v.

CITY OF CHICAGO AND STATE OF ILLINOIS.

AFFIDAVIT OF LIVING WORD MINISTRIES

I, Anthony Earl, being sworn upon my oath, state that I am the pastor of Living Word Ministries, and that I have personal knowledge of the facts stated herein and am competent to testify thereto:

1. Living Word Ministries is an Illinois not-for-profit corporation incorporated in 1989. The church began meeting in 1989 at Clark Middle School, 5101 W. Harrison, Chicago.
2. Meeting together for worship, communion, teaching, and other observances is integral to the exercise of the beliefs of Living Word Ministries.
3. Currently, between 150-200 people attend services on Sunday mornings. We still rent space from Clark Middle School; our services are held in the auditorium, with Sunday School, the nursery, and youth ministries taking place in various classrooms.
4. Our congregation is almost entirely African-American. The area of Chicago where we meet is one of the poorest in the city. It is full of welfare recipients, gangs, drug dealers, and violence. A major purpose of our church and the hope of many members and attenders is to help the residents of our neighborhood, and others, through faith in Jesus and through teaching, training, and physical assistance, to live in the west side of Chicago without being a part of that destructive culture.
5. Meeting at the school has had many drawbacks. The equipment for each service needs to be set up and torn down, a process which takes eight to ten people an hour and a half every time. We have a nursery, sound equipment, a book table, a coffee hour, and a youth ministry which require someone in the congregation to store equipment in their home, transport the

equipment to the church, and then set it up.

6. As well as being inconvenient and time consuming for volunteer members, this process requires a lot of attention and organization by the staff. We need to use our limited energy and time to do the basic setup for the church, rather than in serving God in our neighborhood.
7. On Wednesday evenings, we have Bible School and a midweek service. In order to be out of the school on time, we need to start Bible School at 6:00 p.m.. Because we start so early, many students are unable to attend and receive the benefit of intensive Bible teaching. If we had our own building, we could be more flexible in our scheduling.
8. If we need to use the school for meetings or events which would last for less than four hours, we must pay \$300 for a four hour rental because four hours is the minimum rental for the space we use. We hold our church board meetings at a local hotel at a cost of \$280 per meeting.
9. Many church members have expressed frustration with the amount of time they are required to commit to the most basic tasks of setting up the church, and endure considerable inconvenience in order to store the church's equipment in their homes. Some have left because of this frustration or because they are used to worshipping in a building that "looks like a church." When people leave the church, it directly affects the church's income and indirectly affects the ability of the church to minister to its members and its neighborhood.
10. We are also outgrowing the school auditorium. If we remain there, we will have to begin holding two services, which is extra work for the staff and hinders the feeling of community in the church.
11. We want to relocate the church east of where we now meet, preferably near the University of Illinois, because God has called us to build a congregation from a variety of racial and economic backgrounds. If we are located too far west, we will not be able to attract white, hispanic or middle class members. We also want to fulfill God's vision for Israel in the inner city: "And they that shall be of thee shall build the old waste places: thou shalt raise up the foundations of many generations; and thou shalt be called, The repairer of the breach, The restorer of paths to dwell in." Isaiah 58:12
12. Because of the problems with our rented space and because of our goal to be a diverse congregation, we began looking for property to buy in 1992. In 1993, we located a building at 1218 W. Adams which would have been ideal for our needs. However, it was and is zoned M1-3, and we were informed by Pastor Theodore Wilkinson, who was interested in similar property, and by others that the city is not willing to rezone

property so that it can be used as a church. Therefore, we did not make an offer on the property. We were ready, willing and able to buy that property but for the zoning. Our ministry would have been greatly enhanced if we could have bought it.

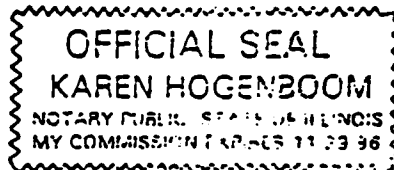
13. Currently, we are looking for a vacant lot so that we can build our own church building. For the last two years, I have kept a list of all the properties on the market on the west side. I have personally driven to most of them to see if they would be suitable for our needs, and have checked their zoning. As of the date of this affidavit, I have been unable to find one property between Lake Avenue on the north, Roosevelt on the south, the lakefront on the east and Homan Avenue on the west which is available and zoned for church use.


Anthony Earl

Subscribed and sworn to before me this 23 day of September, 1994.


Notary Public

p:clublvw.aff



MAUCK, BELLANDE, BAKER & O'CONNELL

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**Phone
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October 7, 1992

FILE COPY

**Rev. Jim Queen
Chicago Metropolitan Baptist Association
329 Madison
Oak Park, Illinois 60302**

Dear Jim:

This letter is a follow-up to your request for a letter concerning the requirement that any church desiring to locate in Chicago, in a business or commercial area, obtain a "special use" zoning permit and your request to be informed concerning the actions some of our clients will be taking. The process of obtaining such a permit places the following burdens on churches:

1. They must buy or lease the property (and make necessary improvements) taking the risk that the city will deny their permit and obtain a court order forcing them to vacate; or they must find an owner willing to sell or lease them property contingent upon special use approval. Finding such an owner puts a church at a distinct competitive disadvantage in the real estate marketplace because most competing purchasers or lessees need no such permit.
2. After having purchased a property or obtained a contract to purchase contingent upon "special permitting," the church must then file a request for special permission paying filing fees of about \$500, notify neighbors by certified mail, paying mailing and ownership list costs of \$300-\$400, and usually hire an attorney at a cost of \$2,000-\$5,000.
3. The hearing process often generates confrontations with angry neighbors, petitions and counter-petitions, and meetings with posturing aldermen.
4. A church can incur \$1,000 or more in costs for an appraiser, land planner and other experts.
5. The hearing process can take from two months to six months or longer, depending upon when the Board of Appeals meets and if continuances are

required.

6. The church usually experiences stress from financial strain and uncertainty. Members often misunderstand the law and may lessen giving, feeling their leaders have tried to do something "illegal" if the permit is denied.
7. If the permit is denied, the congregation often suffers great disappointment and must start over in its property search. The pastor's leadership ability may also be called into question.
8. The pastor, of course, is under considerable pressure not to preach on sin in city government since the Alderman and the administration can negatively impact the expansion plans of the congregation.
9. Finally, churches are severely discriminated against in this process. Following are non-religious assembly uses which are freely allowed (no permit required) in various commercial and business districts:
 - A. Theaters
 - B. Meeting Halls
 - C. Arenas seating up to 2,000
 - D. Funeral Parlors
 - E. Community Centers

As you can readily see, churches are a less intensive land use than many of the permitted uses. The only essential difference between churches and the permitted uses is the content of the meetings (prayer instead of cheering a sports team; preaching instead of eulogies; hymn singing instead of discussion of union matters). The Chicago Zoning Ordinance contemplates that churches should locate in the residential areas and does not require permits there. However, this "alternative" is unsatisfactory for several reasons:

1. The residential areas in Chicago are largely built up and already subdivided into small lots;
2. Groups meeting in a home usually do not have adequate parking to meet the zoning requirements once they grow beyond 25;
3. Even when land can be found, new construction of a church building and

parking lot is far more expensive than purchase and rehab. of a former community center or funeral parlor.

4. The ordinance, passed in 1957, favors a "parish" system where people walk to a church in their neighborhood, and a hierarchial church (Catholic, Episcopal or Methodist) which can afford to build a large sanctuary with, perhaps, an adjacent school. While accommodation of a parish system is good, the ordinance does not contemplate or accommodate different religious patterns, such as the preference of individuals to attend a particular denomination which may have only three or four congregations in the city. Such congregations will want to meet closer to major streets or public transportation. Further, churches which want to evangelize often feel they can reach more people through locating visibility on commercial streets, rather than being tucked away in a residential area. Also congregations (and denominations) which are growing or hope to grow need the flexibility provided in business and commercial areas where land use patterns accommodate expanding, shrinking, and moving businesses. We all know the "church" is the people of God, but by forcing the church buildings into residential areas, the zoning ordinance forces the church into becoming the edifice (the people become the building rather than the building serving the people, Mark 2:27). Congregations often hold on to buildings because they have no flexibility to move/sell/downsize. I am sure you understand how such burdens sap the spiritual vitality from a congregation.

Jim, God's people are hurting and we need to come together as Christians to help end this discriminatory treatment against us and people of other religions. Our Afro-American and immigrant brothers are often hurt the most, because they usually lack the "clout" to obtain the permit and the dollars to fight.

In City of Cleburne, Texas v. Cleburne Living Center, 473 U.S. 432 (1985), the U.S. Supreme Court held that an ordinance which required a special use permit for a "home for the feeble minded" (group care home), while freely allowing multiple dwellings, apartments, hotels, and nursing homes in the same zoning district, was in violation of the Equal Protection Clause because no rational basis existed for zoning such homes differently than the other residential uses permitted. We believe that the discrimination against our religious assemblies in favor of secular assemblies for social, business, recreational and educational uses is equally invalid.

Several independent Afro-American churches have agreed to act as plaintiffs in a federal court challenge to the validity of the law. Other churches would be welcomed as plaintiffs. We need money, prayer and unified support. A political solution is unlikely because the Aldermen are highly resistant to voting to lessen their own powers (they have first taken our rights and then "buy" our votes by returning portions of such rights to us in their discretion).

Our budget is:

| | | |
|------------------------------------|----|----------------------------|
| Legal Fees at District Court level | \$ | 25,000-50,000 ¹ |
| Filing, court reporters, printing | \$ | 1,500 |
| Public Relations | \$ | 3,000 |
| Expert Witnesses | \$ | <u>3,000</u> |
| Total Initial | \$ | 32,500-57,500 |

We plan to ask for damages and legal fees as well, but such recovery is a long way off and uncertain.

Probable Appeal:

| | | |
|---------------------|----|---------------|
| Legal Fees | \$ | 25,000-35,000 |
| Filing and printing | \$ | 2,000 |
| Public Relations | \$ | <u>2,000</u> |
| Total | \$ | 29,000-39,000 |

When we win this case, the savings to the Kingdom of God in Chicago alone will be very substantial. In what way can the CMBA help? A pro bono contribution of \$15,000 from the group would be, I believe, excellent stewardship of your assets. Almost any church seeking to locate or expand in Chicago faces this problem, but a favorable court decision will help in many suburbs also. In addition, we would ask the group to pray for us at each meeting during the pendency of the litigation and to pledge an equal amount to pay for an appeal if needed. If the city loses, they might appeal--if we lose at the district court level, an appeal should certainly be taken. We will place all funds in escrow and return them if the litigation does not proceed or will return a pro rata

¹ A major variable is the number of plaintiffs involved. By having more plaintiffs we believe our case will be stronger.

Rev. Jim Queen
October 7, 1992

Page 5

amount if the case is aborted after it has commenced.

Please put this matter on a priority agenda for the Association, and let me know as soon as possible how you can participate. We would like to launch this action by November, Lord willing.

Yours in Christ,

Mauck, Bellande, Baker
& O'Connell



John W. Mauck

JWM:gb

cc. Woodroe Claiborne